

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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TODD BAZZINI, GREGORY LEONARCZYK,  
NOAH ALLEN and JOHN MARKIEWICZ,  
individually and On Behalf of All Other Persons  
Similarly Situated,

Case No. 08-civ-4530

Plaintiffs,

-against-

CLUB FIT MANAGEMENT, INC., JEFFERSON  
VALLEY RACQUET CLUB, INC., DAVID SWOPE,  
BETH BECK and BILL BECK.

USDC SDNY  
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ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 3/23/10

Defendants.

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**[Proposed] ORDER GRANTING PRELIMINARY APPROVAL OF  
SETTLEMENT AND LEAVE TO DISSEMINATE SETTLEMENT NOTICE**

**WHEREAS**, 83 plaintiffs have opted in to this FLSA collective action;

**WHEREAS**, the parties in the above-captioned action have reached a proposed  
settlement;

**WHEREAS**, the parties have submitted the proposed settlement for preliminary  
approval;

**WHEREAS**, the parties have sought leave to send notice of the settlement to the 83  
plaintiffs;

**WHEREAS**, a hearing was held on the motion for preliminary approval and leave to  
send out notice on March 19, 2010 at 4:00 p.m.;

**IT IS NOW ORDERED, DECREED, and ADJUDGED:**

1. The proposed settlement is within the range of possible approval and is hereby  
preliminarily approved.

2. The proposed notice is adequate and satisfies the requirements of Due Process. Plaintiffs' counsel shall send the notice by first class mail to the last known addresses of the 83 opt-in plaintiffs no later than Mar. 24, 2010.
3. A final approval hearing is scheduled for April 19, 2010 at 4:30 p.m.

*So ordered:*

*Barbara S. J.*  
Honorable Barbara S. Jones  
United States District Court

~~4/19/2010~~

*3/19/2010*